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USA, Inc., and HiSilicon Technologies Co. Ltd.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., and  
HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-Defendants,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants / Counterclaim-Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,

v.

HISILICON TECHNOLOGIES CO., LTD.,

Counterclaim-Defendant.

Case No. 16-cv-02787-WHO

**DECLARATION OF XIAOWU ZHANG  
IN SUPPORT OF HUAWEI'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
OPPOSITION TO SAMSUNG'S MOTION  
TO ENJOIN HUAWEI FROM  
ENFORCING THE INJUNCTION  
ISSUED BY THE INTERMEDIATE  
PEOPLE'S COURT OF SHENZHEN,  
DECLARATIONS IN SUPPORT  
THEREOF, AND EXHIBITS THERETO**

1 I, Xiaowu Zhang, declare as follows:

2 1. I am a citizen of the People's Republic of China over 18 years of age. I submit this  
3 declaration on behalf of Plaintiffs and Counterclaim-Defendants Huawei Technologies Co., Ltd.,  
4 Huawei Device USA, Inc., and Huawei Technologies USA, Inc., and Counterclaim-Defendant  
5 HiSilicon Technologies Co., Ltd. (collectively, "Huawei"). I have personal knowledge of the  
6 facts set forth in this declaration, and, if called upon as a witness, I could and would testify to  
7 such facts under oath.

8  
9 2. I am employed by Huawei as Deputy Director of Huawei's IP Litigation Department.  
10 In my capacity as Deputy Director, I have been involved on behalf of Huawei in patent license  
11 negotiations with current and prospective licensees, including Defendants Samsung Electronics  
12 Co., Ltd., Samsung Electronics America, Inc., and Samsung Research America (collectively,  
13 "Samsung").

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15 3. Pursuant to Civil L.R. 7-11 and 79-5(d)(1)(A), I submit this declaration in support of  
16 Huawei's Administrative Motion to File Under Seal Portions of Its Opposition to Samsung's  
17 Motion to Enjoin Huawei from Enforcing the Injunction Issued by the Intermediate People's  
18 Court of Shenzhen, Declarations in Support Thereof, and Exhibits Thereto.

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20 4. I have reviewed the portions of Huawei's Opposition to Samsung's Motion to Enjoin  
21 Huawei from Enforcing the Injunction Issued by the Intermediate People's Court of Shenzhen  
22 ("Huawei's Opposition"); the declaration of Bin Wang in support thereof, and Exhibits 8-36  
23 thereto that contain or suggest confidential information.

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25 5. Some of the portions of Huawei's Opposition that Huawei seeks to seal contain  
26 information that is subject to a claim of confidentiality by the Intermediate People's Court of  
27 Shenzhen ("Shenzhen Court") or Samsung<sup>1</sup>. Other portions that Huawei seeks to seal contain

28 <sup>1</sup> The Shenzhen Court has not yet issued a public version of its decision. I understand that the Shenzhen Court has asked

1 certain information about license negotiations between Huawei and Samsung, which were  
2 conducted pursuant to a non-disclosure agreement. Huawei considers this information highly  
3 confidential and does not disclose it to the public. Disclosure of this information to the public  
4 would harm Huawei's competitive standing by giving competitors insight into Huawei's past  
5 licensing positions and practices, which could be used to Huawei's disadvantage. For example,  
6 competitors and/or potential licensing partners could gain unfair insight and leverage in licensing  
7 discussions that Huawei would lack, thereby creating an asymmetry of information and  
8 bargaining power that would otherwise not exist but for the disclosure of the above confidential  
9 information. This would create a serious risk of competitive injury to Huawei. Further, Huawei  
10 has a strong business interest in maintaining the confidentiality of the above licensing-related  
11 information. Within Huawei, access to such confidential information is restricted. Not everyone  
12 in Huawei's IP Department has access to such information, not to mention the other employees  
13 in other departments. The employees of Huawei's IP Department that have access to the  
14 information understand the sensitive nature of such information, and understand their duty to not  
15 disclose the information outside of Huawei without legal protections against dissemination.  
16 Redaction of the information is necessary to avoid placing Huawei at a significant business  
17 disadvantage vis-à-vis its competitor sand potential licensing partners.

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20 6. The portions of the Declaration of Bin Wang that Huawei seeks to seal contain  
21 information that is subject to a claim of confidentiality by the Shenzhen Court<sup>2</sup>.

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24 Huawei and Samsung to provide redacted versions for the decision separately, and may decide at its own discretion what  
25 redactions will be made in the public version of the decision. The portion of Huawei's Opposition that Huawei seeks to  
26 be filed under seal is subject to a claim of confidentiality related to the current non-public decision by the Shenzhen  
27 Court.

28 <sup>2</sup> As explained in footnote 1, the Shenzhen Court has not yet issue a public version of its decision. I understand that the  
Shenzhen Court has asked Huawei and Samsung to provide redacted versions for the decision separately, and may decide  
at its own discretion what redactions will be made in the public decision. The portion of the Declaration of Bin Wang  
that Huawei seeks to be filed under seal is subject to a claim of confidentiality related to the current non-public decision  
by the Shenzhen Court.

1           7.       Exhibits 8-36 to the declaration of Nathan Greenblatt in Support of Huawei's  
2       Opposition are documents that Huawei produced in discovery and designated  
3       "CONFIDENTIAL" pursuant to the applicable Protective Order (Dkt. 110). These exhibits  
4       reveal information about licensing negotiations between Huawei and Samsung, which were  
5       conducted pursuant to a non-disclosure agreement. As described above, Huawei considers this  
6       information highly confidential and does not disclose it to the public. Disclosure of this  
7       information to the public would harm Huawei's competitive standing by giving competitors  
8       insight into Huawei's past licensing positions and practices. Huawei does not have access to  
9       similar information about its competitors, which could result in an information asymmetry in  
10      future licensing negotiations, placing Huawei at a disadvantage.  
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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct to the best of my knowledge.  
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4 Executed electronically on February 20, 2018 in Chicago, Illinois.  
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Xiaowu Zhang